

REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. Claims 1-8 were pending prior to the Office Action. Claims 9-20 have been added by this Reply. Therefore, claims 1-20 are pending. Claims 1, 7, 8, and 14 are independent.

Title

In the Office Action, it is asserted that the title of the invention is not descriptive, and a new title is required. Applicants have amended the title as shown above to address this issue. Applicants respectfully request that the amended title be accepted.

Rejection under 35 U.S.C. §103(a) based on Tanaka and Enomoto

Claims 1, 2, 4, 7, and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. (U.S. Patent No. 6,577,338, hereinafter "Tanaka") in view of Enomoto (JP 10-096619. Applicants respectfully traverse this rejection.

For a §103 rejection to be valid, a *prima facie* case of obviousness must be established. See M.P.E.P. 2142. One requirement to establish a *prima facie* case of obviousness is that when combined, the cited references must teach or suggest all claim limitations. See M.P.E.P. 2142; M.P.E.P. 706.02(j). Thus, if the

cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part, "a display...being structured such that an image displayed thereon can be confirmed regardless of the existence of auxiliary light". Contrary to the assertion in the Office Action, Tanaka does not teach or suggest this feature. It is noted that Tanaka specifically discloses a display 7 with a back-light drive circuit 7b. See FIG. 1; column 5, line 21; column 6, lines 18 and 19. However, Tanaka is silent regarding the specific characteristics of the LCD display 7. Thus, without any specific disclosure otherwise, the existence of the backlight 7 would, at best, indicate that the LCD 7 is structured only for use with the auxiliary light. Enomoto has not been, and indeed cannot be, relied upon to correct at least this deficiency of Tanaka. Like Tanaka, Enomoto also discloses only a backlit LCD 34. See *Abstract; paragraphs 0010 and 0012 of the translation; etc.*

Also, independent claim 1 recites, in part, "a control device for, in a case in which the designating device designates switching of an image, turning off the auxiliary lamp and controlling the display such that a displayed image is switched to another image which is then displayed and turning on the auxiliary lamp". In other words, if the designating device designates that a switching

of images is to take place, the auxiliary lamp is turned off prior to the switching and then turned back on after the switching. Clearly, Tanaka does not teach or suggest at least this feature.

Indeed, even in the Office Action, there is no assertion that such a feature is taught or suggested by Tanaka. In the Office Action, it is merely asserted that Tanaka teaches the use of switches 12b and 12c, purportedly to be equivalent to the control device as claimed, to control the display device such that a displayed image is switched to another image, which is then displayed. See *Office Action, page 3, lines 6-9*. There is no mention of turning the auxiliary lamp off and on during this process. Enomoto has not been, and indeed cannot be, relied upon to correct at this deficiency, as well.

Therefore, for at least the reasons stated above, independent claim 1 is distinguishable over the combination of Tanaka and Enomoto.

Independent claim 7 and amended independent claim 8 recite features similar to the above-noted features. Therefore, for at least the reasons stated above with respect to independent claim 1, claims 7 and 8 are also distinguishable over the combination of Tanaka and Enomoto. Claims 2 and 4 depend directly or indirectly from independent claim 1. Therefore, for at least the reasons

stated above with respect to claim 1, these dependent claims are also distinguishable over the combination of Tanaka and Enomoto.

Applicants respectfully request withdrawal of the rejection of claims 1, 2, 4, 7, and 8 under 35 U.S.C. §103(a) based on Tanaka and Enomoto.

**Rejection under 35 U.S.C. §103(a) based on Tanaka, Enomoto, and Official Notice**

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Enomoto and further in view of Official Notice. Applicants respectfully traverse this rejection.

It is noted that claim 3 depends from independent claim 1, and it has been shown that independent claim 1 is distinguishable over the combination of Tanaka and Enomoto. Thus, while Applicants do not necessarily agree with the Official Notice taken, for the sake of argument, the Official Notice is taken to be true (a point not conceded by Applicants). However, even in such an instance, the Notice taken does not cure the above-noted deficiencies with respect to the combination of Tanaka and Enomoto. Therefore, independent claim 1 is distinguishable even over the combination of Tanaka, Enomoto, and the Official Notice. Thus, claim 3 is distinguishable over the same combination for at least the reasons stated above with respect to independent claim 1.

Applicants respectfully request withdrawal of the rejection of claim 3 under 35 U.S.C. §103(a) based on Tanaka, Enomoto, and the Office Notice.

**Rejection under 35 U.S.C. §103(a) based on Tanaka, Enomoto, and Ueda**

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Enomoto and further in view of Ueda et al. (U.S. Patent No. 5,748,237). Applicants respectfully traverse this rejection.

It is noted that claims 5 and 6 depend directly and indirectly from independent claim 1, and it has been shown that the combination of Tanaka and Enomoto fail to render claim 1 obvious. Ueda has not been, and indeed cannot be, relied upon to correct at least the above-noted deficiencies of Tanaka and Enomoto.

In addition, claim 5 recites, in part, "a semitransparent film...which reflects a portion of the light which is incident through the image displayed portion". In other words, light which is first incident upon a display passes through the display and is reflected back by the semitransparent film. However, in all embodiments shown in Ueda, there is no disclosure that any light first incident upon the display 2 is reflected back from any reflective surface. Indeed, such a situation is impossible in the embodiments disclosed in Ueda, because the LCD display 2 is encased in a viewfinder 1, and the eye of the user would be covering the

opening 4, making it impossible for any light to pass through the opening from the outside to the display 2. See FIGS. 1-7.

For at least the above-stated reasons, claims 5 and 6 are distinguishable over the combination of Tanaka, Enomoto, and Ueda.

Applicants respectfully request withdrawal of the rejection of claims 5 and 6 under 35 U.S.C. §103(a) based on Tanaka, Enomoto, and Ueda.

**New Claims**

Claims 9-20 have been added by this Reply. All new claims are believed to be distinguishable over any combination of the art of record. For example, independent claim 14 recites, in part, "in case the designating device designates switching, the control device turns off the auxiliary lamp prior to the switching between the first and second images and turns on the auxiliary lamp after the switching". It has been shown that the art of record cannot be combined in any manner to teach or suggest at least this feature. Claims 9-13 and 15-20 depend from independent claims 8 and 14, respectively. Therefore, these dependent claims are also distinguishable over any combination of the art of record for at least the reasons stated with respect to the independent claims, as well as for the additional limitations provided thereby.

Applicants respectfully request that newly added claims 9-20 be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance, and such allowance is earnestly solicited. However, should there be any outstanding matters that may be resolved by a telephone conference, the Examiner is invited to contact Hyung Sohn (Reg. No. 44,346) at 703-205-8000 in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,  
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